

**IN THE UNITED STATES DISTRICT COURT  
FOR THE EASTERN DISTRICT OF PENNSYLVANIA**

**OLUTAYO ARIYO,**  
*Plaintiff, pro se,*

**v.**

**THOMAS JEFFERSON  
UNIVERSITY MEDICAL  
COLLEGE,**  
*Defendant,*

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**CIVIL ACTION**  
  
**NO. 23-2835**

**ORDER**

**AND NOW**, this 20<sup>th</sup> day of March 2025, upon consideration of Defendant’s *motion to dismiss for failure to prosecute*, (ECF 29), and Plaintiff’s response in opposition, (ECF 30), it is hereby **ORDERED** that the motion is **DENIED**.<sup>1</sup>

**BY THE COURT:**

/s/ Nitza I. Quiñones Alejandro  
**NITZA I. QUIÑONES ALEJANDRO**  
*Judge, United States District Court*

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<sup>1</sup> Plaintiff Olutayo Ariyo (“Plaintiff”), currently proceeding *pro se*, commenced this action on July 25, 2023, with a counseled complaint in which he asserts employment discrimination claims premised on an alleged failure to promote and a constructive discharge because of his race and national origin. Notably, during discovery, Plaintiff’s counsel withdrew his appearance, and Plaintiff has since proceeded *pro se*.

Before the Court is Defendant’s motion to dismiss for failure to prosecute in which Defendant argues that Plaintiff has repeatedly failed to discharge his discovery obligations, including, *inter alia*, failing to respond to a previous Order directing him to serve discovery responses. In his response to the motion, Plaintiff represents that he has and continues to make efforts to respond to Defendant’s discovery requests.

A motion to dismiss for failure to prosecute is governed by the factors set forth in *Poulis v. State Farm Fire & Casualty Co.*, 747 F.2d 863 (3d Cir. 1984): (1) the extent of the party’s personal responsibility; (2) the prejudice to the adversary; (3) whether the party has a history of dilatoriness; (4) whether the conduct of the party was willful or in bad faith; (5) the effectiveness of sanctions other than dismissal; and (6) the meritoriousness of the claim.. *Id.* at 868.

After weighing these factors, this Court finds that they weigh against the dismissal of this action. In particular, Plaintiff has provided some, *albeit* incomplete discovery responses, and has shown efforts to litigate this matter without counsel. Accordingly, Defendant’s motion to dismiss for failure to prosecute is denied.